

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

CR 13-105-BLG-DWM

Plaintiff,

ORDER

vs.

KIMBERLY ANN DAHL,

Defendant.

United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendation in this matter on January 8, 2014. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

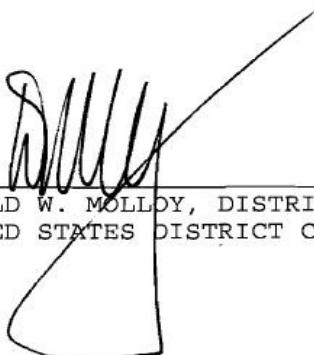
Judge Ostby recommended this Court accept Kimberly Ann Dahl’s guilty plea after Dahl appeared before her pursuant to Federal Rule of Criminal

Procedure 11, and entered her plea of guilty to possession with intent to distribute 50 grams or more of actual methamphetamine, with intent to distribute and aided and abetted the same, in violation of 21 U.S.C. § 841(a)(1) and (18) U.S.C. § 2, as charged in the Superseding Information.

I find no clear error in Judge Ostby's Findings and Recommendation (Doc. 25), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Kimberly Ann Dahl's motion to change plea (Doc. 14) is GRANTED.

DATED this 31<sup>st</sup> day of January, 2014.



DONALD W. MOLLOY, DISTRICT JUDGE  
UNITED STATES DISTRICT COURT